30396. Misbranding of Must-a-rub and Syrup White Pine and Tar. U. S. v. Clarence E. Worthen (American Proprietary Syndicate and American Drug Sales Co.). Plea of guilty. Sentence suspended and defendant placed on probation for 1 year. (F. & D. No. 42522. Sample Nos. 878–D, 908–D.)

The labeling of these products bore false and fraudulent curative and therapeutic claims and that of the Syrup White Pine and Tar bore false and misleading representations regarding its alcohol content.

On June 28, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Clarence E. Worthen, trustee in a declaration of trust for the American Proprietary Syndicate and trading as the American Drug Sales Co. at Malden, Mass.; alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about December 3 and December 11, 1937, from the State of Massachusetts into the State of Maine, of quantities of Must-a-rub and Syrup White Pine and Tar, which were misbranded. The Must-a-rub was labeled in part: "Prepared only by the New England Laboratory Company."

Analyses showed that the Must-a-rub was an ointment consisting of petrolatum, paraffin, a trace of an iodine compound, and essential oils including oil of mustard, methyl salicylate, and camphor; and that the Syrup White Pine and Tar consisted of sugar, glycerin, alcohol, water, chloroform, tar, and vegetable extractives including wild cherry.

The articles were alleged to be misbranded in that certain statements in the labeling regarding their curative and therapeutic effects falsely and fraudulently represented that Must-a-rub was effective in the treatment of throat and chest troubles, rheumatism, croup and whooping cough, bronchitis, colds in the chest, pleurisy, lame back, sciatica, rheumatic and neuralgic pains, and other conditions; and that the Syrup White Pine and Tar was effective in the treatment and relief of pulmonary affections, subacute or chronic coughs, bronchitis, hoarseness, and other inflamed conditions of the air passages. The Syrup White Pine and Tar was alleged to be misbranded further in that the statement on the label, "Alcohol 9 per cent," was false and misleading since it represented that the article contained 9 percent of alcohol; whereas it contained a considerably less quantity of alcohol than 9 percent.

On February 21, 1939, the defendant entered a plea of guilty, and the court suspended imposition of sentence and placed the defendant on probation for a period of 1 year.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30397. Adulteration and misbranding of Caulk Absorbent Points and Caulk Absorbent Cotton Rolls. U. S. v. 21 Packages of Caulk Absorbent Points (and 1 similar seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 44802, 44954, 44955. Sample Nos. 41832–D, 41833–D, 42475–D.)

These products, which had been shipped in interstate commerce and which remained unsold and in the original packages at the time of examination, were found to be contaminated with viable micro-organisms.

On February 8 and March 4, 1939, the United States attorneys for the Western District of Pennsylvania and the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 21 packages of absorbent points at Pittsburgh, Pa., and 35 boxes of absorbent cotton rolls at Philadelphia, Pa.; alleging that the articles had been shipped on or about December 12, 1938, and February 1, 1939, by the L. D. Caulk Co. from Milford, Del.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged in that the purity of the articles fell below the professed standard or quality under which they were sold, namely, (points) "Sterilized," (cotton rolls) "Absorbent Cotton Rolls * * * Sterilized * * * The goods in this container have been sterilized after packaging;" (ribbon tied around package) "Dental Absorbents—Sterilized," since they were not sterile but were contaminated with viable micro-organisms.

Misbranding was alleged in that the following statements appearing in the labeling were false and misleading when applied to articles that were not sterile: (Points, carton containing Sterilometer inclosed with points) "Sterility of content of package assumed"; (package containing points and Sterilometer) "Modern Root Canal Technique requires a Sterile Absorbent, not contaminated in any way. Caulk Absorbent Points are rendered sterile in the

package after closing and reach you in this condition * * * Sterilized * * * The sterility of contents of this package is assured by the sterilometer contained therein. This instrument is used in standard hospital practice to assure sterility of surgical dressings. Caulk has adapted it for absorbent points so that the dentist may have assurance of the sterility of each individual package. The sterilometer is placed in the package before sterilizing. When sterilization is accomplished the sensitized indicator of the sterilometer turns black, as will be noted when the inclosed sterilometer is examined"; (rolls, carton) "Absorbent cotton rolls Sterilized * * * The goods in this container have been sterilized after packaging * * * Method of sterilization—Exposure in an autoclave to live steam under 15 pounds pressure for a sufficient period of time to assure sterility," (circular) "The material in this container has been scientifically sterilized After Final Packaging in the sealed units in which it is inclosed. The method of sterilization used is accepted hospital practice, consisting of exposure to live steam in the autoclave at 15 pounds pressure (260 deg. F.) for an adequate period to assure sterility. * * * Bacteriological tests are made regularly to substantiate the adequacy of the sterilization process. Only this standard hospital sterilization produces absorbents suitable for use in the mouth. As a result of this thorough sterilization by steam under pressure * * * [picture of an autoclave] This is a Caulk autoclave where all Caulk dental cotton absorbents are sterilized by live steam After Final Packaging," (ribbon) "Dental Absorbent—Sterilized."

On March 24 and 28, 1939, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30398. Adulteration and misbranding of ether. U. S. v. 479 Cans of Ether for Anesthesia. Default decree of condemnation and destruction. (F. & D. No. 44529. Sample Nos. 36022–D, 36030–D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to contain peroxide in 4 of the 20 cases examined.

On December 14, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 479 cans of ether at San Francisco, Calif.; alleging that the article had been shipped on or about September 3, 1937, by Mallinckrodt Chemical Works from St. Louis, Mo.; and charging adulteration and misbranding in violation of the Foods and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and it differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia and its own standard of strength, quality, and purity was not stated on the label.

It was alleged to be misbranded in that the statements on the label, "Ether For Anesthesia * * * Fully Conforms to all requirements of the U. S. P. XI," were false and misleading since it did not fully conform to all requirements of the United States Pharmacopoeia XI in that it contained peroxide.

On March 8, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30399. Misbranding of Prunitone Liver Pills, Bloodine, and Cre-O-Tol. U. S. v. Clarence E. Worthen (American Proprietary Syndicate and American Drug Sales Co.). Plea of guilty. Sentence suspended and defendant placed on probation for 1 year. (F. & D. No. 40806. Sample Nos. 54778–C, 54780–C, 54781–C.)

The labeling of these products bore false and fraudulent curative and therapeutic claims and other misrepresentations.

On May 3, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Clarence E. Worthen, trustee in a declaration of trust for the American Proprietary Syndicate and trading as the American Drug Sales Co. at Malden, Mass., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about July 29, 1937, from the State of Massachusetts into the State of Maine, of quantities of the above-described drugs, which were misbranded. The articles were labeled in part variously: (Prunitone Liver Pills) "Prunitone Laboratories Boston Mass."; (Bloodine)